



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,537	08/29/2001	Jong Chen	67,200-477	4317

7590 06/25/2004

TUNG & ASSOCIATES
838 W.Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/941,537

Applicant(s)

CHEN ET AL.

Examiner

John Ruggles

Art Unit

1756

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 4 May 2004 (Revised) is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet



John Ruggles
Examiner
Art Unit 1756

Continuation of 9. Other (including any explanation in support of the above items):

Item 2: The brief fails to state the correct status of ALL claims, pending or cancelled, and does not identify the appealed claims. Claims 4-6, 9, 12, and 16 were previously cancelled. This leaves only claims 1-3, 7-8, 10-11, 13-15, and 17-26 as pending, all but claim 25 of which were finally rejected; so claims 1-3, 7-8, 10-11, 13-15, 17-24, and 26 are being appealed. While Appellants have supplied a correct copy of the amended claims, they have also incorrectly grouped claim 25 under Issue 1 as rejected under 35 USC 103(a), when this claim was actually only objected to and was not rejected at all. In addition, claim 26 was also incorrectly grouped under Issue 4 as rejected under 35 USC 103(a), when this claim was actually only rejected under the second paragraph of 35 USC 112. Claims 11, 13-15, 17-19, 22, 24, and 26 remain formally rejected under 35 USC 112, but this formal rejection has not been addressed at all in either the grouping of claims nor in the argument section of the revised appeal brief filed on 4 May 2004.

Item 3: The brief also fails to state the current status of each and every amendment filed subsequent to the final rejection mailed on 11 September 2003. An amendment was filed on 10 November 2003, but was not entered for the reasons set forth in the Advisory Action mailed on 28 November 2003. A supplemental amendment was filed with the notice of appeal on 15 December 2003 and a second supplemental amendment was filed with the first defective appeal brief on 11 February 2004, but neither of these amendments were entered for the reasons given in the Advisory Action mailed on 6 April 2004. A (third) supplemental amendment was filed with the revised appeal brief on 4 May 2004, but has not been entered, because it was non-compliant for the reasons addressed in another separate Advisory Action mailed on or about the same date as this Office action. A joint response to both of these latter Office actions is expected.

Also, three copies of a newly revised appeal brief in full compliance with 37 CFR 1.192(c) are needed (within the above required response period) that overcomes all the reasons for non-compliance set forth in this notification, in order to avoid dismissal of this appeal.

Appellants are further apprised that IF a fully COMPLIANT amendment is filed commensurate with ONLY the changes proposed in the non-complaint (third) supplemental amendment filed on 4 May 2004, then this fully COMPLIANT amendment would be entered. Such entry would place the application in better form for appeal by materially reducing or simplifying the issues for appeal (in order to overcome the outstanding (1) objections and (2) rejection under the second paragraph of 35 USC 112, as set forth in the Advisory Action mailed on or about the same date as this Office action). If such an acceptable COMPLIANT amendment is filed, Appellants would be expected to supply a newly corrected copy of the appealed claims as they would stand after entry of such a COMPLIANT amendment, which has only the changes proposed on 4 May 2004. See the Advisory Action mailed on or about the same date as this Office action for an explanation of how to ensure amendment compliance.

If further assistance is still needed in drafting a fully compliant amendment and a fully compliant appeal brief, Appellants' representative is invited to contact the examiner of record, in order to avoid dismissal of this appeal.



John Ruggles

Examiner

Art Unit 1756



MARK F. HUFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700